IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WP(C).No. 19949 of 2007(Y)

AGAINST THE ORDER IN EP.NO.19/2006 IN OS.27/2003 of MUNSIFF'S COURT, PUNALUR

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PETITIONER:

MR.N.BASHEER, S/O.NAGOOR MEERAN,
AGED 49 YEARS, RESIDING AT PULLAMANNU HOUSE,
NADUMURUPPU, PATHIRIKKAL P.O., PATHANAPURAM.

BY ADV. SRI.GEORGE CHERIAN KARIPPAPARAMBIL
SRI.R.SREERAJ

RESPONDENT:

MR.V.DAMODARAN PILLAI, S/O.VELU PILLAI,
AGED 63, RESIDING AT SD BHAVAN, PATHIRIKKAL P.O.,
PATHANAPURAM.

BY ADV. SRI.RAJU K.MATHEWS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.19949/2007 Y

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE JUDGMENT DTD. 07/10/05 IN O.S.27/03 ON THE FILE OF MUNSIFF'S COURT, PUNALOOR.**

EXT.P2: **COPY OF THE DECREE IN O.S.27/03 ON THE FILE OF MUNSSIFF'S COURT, PUNALOOR.**

EXT.P3: **COPY OF THE I.A.2423/06 IN O.S.27/03 ON THE FILE OF MUNSIFF'S COURT, PUNALOOR.**

EXT.P4: **COPY OF THE I.A.2424/06 IN O.S.27/03 ON THE FILE OF MUNSIFF'S COURT, PUNALOOR.**

EXT.P5: **COPY OF THE ORDER DTD. 4/06/07 IN E.P.19/06 ON THE FILE OF MUNSIFF'S COURT, PUNALOOR.**

EXT.P6(1) AND P6(2):COPIES OF THE MEDICAL CERTIFICATES EVIDENCING THE HEALTH CONDITION OF THE PETITIONER.

EXT.P7; **COPY OF THE NOTICE DTD. NIL ISSUED BY THE PATHANAPURAM SERVICE CO-OPERATIVE BANK TO THE PETITIONER.**

/TRUE COPY/

P.S.TO JUDGE

KSS

M.N.KRISHNAN, J

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W.P.(C) No.19949 OF 2007

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Dated this the 10th day of August 2007

JUDGMENT

This writ petition is filed to set aside Ext.P5 order passed by the Munsiff's Court, Punalur. It is an order whereby the writ petitioner is directed to be detained in civil prison. Learned counsel for the writ petitioner submits that he has filed an application before the court below to set aside the ex parte decree with a petition to condone the delay and it is pending before the same court. Since the delay condonation application is not disposed of, he is not able to obtain any stay of the execution proceedings. In order to enable the petitioner to move the court below for a speedy disposal of the delay condonation application as well as the petition for setting aside the ex parte decree, I direct the court below not to proceed with the warrant of arrest for a period of six weeks from today.

Writ petition is disposed of accordingly.

M.N.KRISHNAN, JUDGE

Cdp/-